

CLERK'S OFFICE U.S. DIST. COURT  
AT ABINGDON, VA  
FILED

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ABINGDON DIVISION

NOV 17 2004

JOHN F. CORCORAN, CLERK  
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**SAMUEL NELSON EVANS**, an infant,  
by his father and next friend, Tommy Evans,

Plaintiff,

v.

**WAL-MART STORES, INC.**,

Defendant.

Civil Action No.: 1:04CV00039

**PETITION FOR APPROVAL OF INFANT SETTLEMENT**

Your petitioner, Wal-Mart Stores, Inc. ("Wal-Mart"), for its petition for approval of infant settlement, respectfully represents unto the Court as follows:

1. That on or about April 28, 2003, Samuel Nelson Evans was injured when he lost control of the bicycle on which he was riding because the front wheel came off, causing him to collide with the surface of the road. Samuel Nelson Evans was born on April 3, 1989 and is currently fifteen (15) years of age.

2. That Tommy Evans and Heather D. Evans, parents of Samuel Nelson Evans, contend that the accident happened as a result of the negligence of Wal-Mart and Wal-Mart's alleged breach of warranty. Wal-Mart denies any negligence and there is a dispute as to the liability of the parties.

3. That Tommy Evans and Heather D. Evans, parents of Samuel Nelson Evans, have released all claims they have or might have against Wal-Mart or any other person, natural or unnatural, for damages incurred or to be incurred arising out of or as a consequence of this accident.

4. That Wal-Mart has agreed to settle all claims Samuel Nelson Evans and Tommy Evans and Heather D. Evans, his parents have or might have against Wal-Mart arising

out of the accident alleged above upon the following terms: Wal-Mart will pay to and on behalf of Samuel Nelson Evans the sum of FIFTEEN THOUSAND DOLLARS (\$15,000.00).

5. That Wal-Mart believes this offer to be fair, reasonable and in the best interests of the infants because of the uncertainty of liability and the uncertainty of the amount of any judgment which might be rendered or collected.

WHEREFORE, the petitioner Wal-Mart prays that the Court approve the compromise settlement and dismiss this action, settled with full prejudice, as to all claims against Wal-Mart.

WAL-MART STORES, INC.

- By Counsel -

PENN, STUART & ESKRIDGE  
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By:

A handwritten signature in dark ink, appearing to read 'W. Bradford Stallard', is written over a horizontal line.

W. Bradford Stallard  
Va. Bar No.: 28149  
*Counsel for Petitioner*

**CERTIFICATE OF SERVICE**

I hereby certify that I have mailed a true copy of the foregoing document to  
James W. Dudley, Esq., on this 30<sup>th</sup> day of September, 2004.

  
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W. Bradford Stallard